

**Baker & Hostetler LLP**

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*Attorneys for Irving H. Picard, Trustee for the  
Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC and  
the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

ANTHONY E. STEFANELLI,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 10-04592 (SMB)

**STIPULATION AND ORDER FOR SUBSTITUTION OF DEFENDANT**

**WHEREAS**, on December 1, 2010, Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa *et. seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, filed the above-captioned avoidance action against Defendant Anthony E. Stefanelli; and

**WHEREAS**, Anthony E. Stefanelli died on January 12, 2017.

**IT IS THEREFORE MUTUALLY AGREED AND STIPULATED**, by and between the Trustee and Patricia Moretta, solely in her capacity as personal representative of the Estate of Anthony E. Stefanelli,, as follows:

1. The Estate of Anthony E. Stefanelli (the “Estate”)<sup>1</sup>, and Patricia Moretta, solely in her capacity as personal representative of the Estate, (collectively, the “Defendants”), are hereby substituted into this action in place of Anthony E. Stefanelli, deceased, and the complaint shall be deemed so amended (the “Amended Complaint”).

2. The Clerk of the Court is hereby directed to amend the caption to remove Anthony E. Stefanelli and substitute the Estate, and Patricia Moretta, solely in her capacity as personal representative of the Estate, as reflected on Exhibit A to this Stipulation.

3. Undersigned counsel for the Estate, and Patricia Moretta, solely in her capacity as personal representative of the Estate, (i) expressly represents that he has the authority to accept service of the Amended Complaint on behalf of Defendants (ii) waives service of the summons and the Amended Complaint on behalf of Defendants, and (iii) hereby waives any defenses based

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<sup>1</sup> Case No. PRC170001810, In re: Estate of Anthony E. Stefanelli, In the Seventeenth Judicial Circuit Court In and For Broward County, Florida, Probate Division.

on insufficiency of process or insufficiency of service of process of the summons and Amended Complaint on behalf of Defendants.

4. Except as expressly set forth herein, the parties to this Stipulation reserve all rights and defenses they may have. The existing response to the complaint shall be deemed the response to the amended complaint and no further response needs to be filed by Defendant.

5. This Stipulation may be signed by the parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

*[The Remainder of this Page is Intentionally Left Blank]*

Dated: October 31, 2017

/s/ Nicholas J. Cremona

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of Bernard L. Madoff Investment Securities  
LLC and the Estate of Bernard L. Madoff*

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*Attorney for Defendants As Defined Herein*

SO ORDERED:

Dated: **November 1, 2017**  
New York, New York

/s/ STUART M. BERNSTEIN  
HONORABLE STUART M. BERNSTEIN  
UNITED STATES BANKRUPTCY JUDGE

**EXHIBIT “A”**

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IRVING H. PICARD, Trustee for the Liquidation  
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Plaintiff,

v.

ESTATE OF ANTHONY E. STEFANELLI and  
PATRICIA MORETTA, solely in her capacity as

Adv. Pro. No. 10-04592 (SMB)

personal representative of the Estate of Anthony E.  
Stefanelli,

Defendants.